

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00084

JAMAINE SUTTON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 25, 2014, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Jamaine Sutton, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a five-year term of supervised release in this action on December 3, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on December 13, 2006.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state offenses of non-aggravated driving under the influence and assault on a police officer as evidenced by the defendant's plea of guilty on May 29, 2014, in Cabell County Magistrate Court; (2) the defendant committed the federal and state offense of distribution of heroin inasmuch as he sold heroin to a confidential informant on January 31, 2014, in the amount of 1 gram, and on February 4, 2014, in the amount of 1.3 grams as evidenced by his stipulation on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; (3) the defendant committed the state and local offense of driving on a suspended or revoked license for driving under the influence on April 10, 2014, as evidenced by his stipulation on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (4) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on November 7, 2011, for cocaine, at which time he admitted to the probation

officer that he had used cocaine, and positive urine specimens submitted by him on July 3, 16 and 18, and August 5, 2013, for marijuana, the defendant having admitted to the probation officer on July 3, 2014, that he had used marijuana approximately three weeks earlier; (5) the defendant failed to report the June 3, 2012, arrest to the probation officer within 72 hours; and (6) the defendant failed to appear for urine screens as directed on October 4 and 23, 2013; and January 16, February 12, March 6 and 21, and April 10, 2014; all as admitted by the defendant on the record of the hearing unless otherwise set forth above and all as set forth in the petition on supervised release.

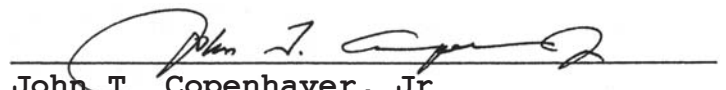
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS, to be followed by a term of forty-two (42) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 15, 2014


John T. Copenhaver, Jr.
United States District Judge